

# MINUTES

## RANDOLPH COUNTY PLANNING BOARD

**August 7, 2007**

The Randolph County Planning Board met at 6:30 p.m., on Tuesday, August 7, 2007, in the Commissioners' Meeting Room, Randolph County Office Building, 725 McDowell Road, Asheboro, North Carolina.

1. **Chairman Lynden Craven** called to order the Randolph County Planning Board meeting at 6:30 p.m.
2. **Hal Johnson**, Planning Director, called roll of the members: **Lynden Craven**, Chairman, present; Jim Rains, Vice Chairman, present; Larry Brown, present; Phil Ridge, present; **Chris McLeod**, absent; **Reid Pell**, present; **Wayne Joyce**, present; and **Danny Shaw**, Alternate, present (substituting for regular member McLeod). **Alan Pugh**, County Attorney, was present for this meeting.
3. **Rains** made the motion, seconded by **Pell**, to approve the minutes of the July 10, 2007 Randolph County Planning Board meeting. The motion passed unanimously.
4. **REQUESTS FOR A SPECIAL USE PERMIT:**

*Swearing in of the Witnesses - "Do you swear or affirm that the information you are about to give is the truth, the whole truth, and nothing but the truth, so help you God."*

One person took this Oath.

- A. **WILLIAM HODGE**, Asheboro, North Carolina, is requesting a Special Use Permit to allow planned rural development for a 2<sup>nd</sup> residence for a family member located at 4443 Bachelor Creek Road, on 10.00 acres, Rural Growth Area, Richland Township, Zoning District RA, Tax ID #7687518181.

Hodge was present and explained his intentions to locate a double-wide mobile home on the back of his property for his mother. Hodge said the home will be used for a family member only.

There was no one present in opposition to this request.

Pell made the motion, seconded by Joyce, to approve this request for a Special Use Permit. The motion passed unanimously.

5. **REQUESTS FOR PROPERTY REZONING:**

- A. **EARNHARDT BUILDERS**, Asheboro, North Carolina, is requesting that 26.20 acres located on Hoover Hill Road, Tabernacle Township, be rezoned from RA to CVOE-CD. Tax ID# 7713289156. Secondary Growth Area. The proposed Conditional Zoning District would specifically allow the development of a 24 lot site built subdivision with a minimum house size of 1,200 sq. ft. (Cecil C & Rebekah Barnes - Property Owners).

- **Neighborhood Information Meeting Summary**

*Four (4) citizens attended the Neighborhood Information Meeting and expressed support for the proposed subdivision. The citizens commented that they were glad to see a site-built subdivision being proposed but would like the minimum house size of 1,200 sq. ft. to be increased.*

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that the proposal is in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be approved as consistent with existing subdivision development in the area.*

**Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:**

*Policy 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.*

*Policy 6.14 Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which*

*minimizes “leap frog” development (i.e. leaving large vacant areas between developments).*

**Mike Pugh**, Representative for Earnhardt Builders, was present and explained their intentions to develop a site-built residential subdivision in an area where 70% of the housing is manufactured homes. Pugh said the lots will be served by Davidson Water, Inc.

**Rebekah Hoover Barnes**, property owner, said that they are in favor of a subdivision for site-built homes.

**Linda Hill**, 2275 Hoover Hill Road, said that they own property to the west and south of the site. Hill said this development will disturb their privacy at their home. Hill described her illness that has made it impossible for her to work since 1999. Hill said that the slightest noise disturbs her illness. Hill said that she has tried many times to purchase this property without success. Hill said that she would appreciate that the development be delayed a year or so.

**Thomas Hill**, 2275 Hoover Hill Road, said that this is too many homes on this size tract. Hill said that he would like to see the number of lots decreased to 12 lots and the minimum size of the homes increased. Hill said he felt some of the property should be donated to the church. Hill said that he is concerned about people coming on to their land. Hill said his wife is sick and he would like the Board to consider that. Hill said that he realized that this would increase the value of their land, but they are paying too many taxes now.

**Johnson** said that the predominate type of homes in the area are manufactured homes. Johnson said that this is the first site-built residential subdivision request in this area and this would be establishing a new housing pattern for the area.

**Ridge** asked if there was any buffering around the site. **Earnhardt** said that the property was timbered 10-12 years ago. Earnhardt said he would agree to placing a Level I buffer around the development. This would be a 35' no-cut buffer.

**Brown** made the motion to recommend to the Commissioners that this request be approved as consistent with the Growth Management Plan for this area with the condition of a level 1 buffer (35 ft. no-cut buffer) along the south and west

property lines. **Joyce** seconded the motion, and the motion passed unanimously.

- B. JOE AGEE**, Asheboro, North Carolina, is requesting that 138.69 acres out of 386.3 acres located on Old NC Hwy 13, Richland Township, be rezoned from RA to CVOE-CD. Tax ID#'s 7677018307, #7677121422, #7677156188. Secondary Growth Area. The proposed Conditional Zoning District would specifically allow the development of a 61 lot site built subdivision with a minimum house size of 1,400 sq. ft. (Selme Trogon Ward Revocable Trust - Property Owner).

- **Neighborhood Information Meeting Summary**

*At the Neighborhood Information Meeting concerns were expressed of adequate water supply and the reduction of ground water resources in an area that supports large poultry operations. There were also concerns expressed about expansion of the flood areas along Bachelor Creek as a result of access needs to new lots.*

- **Technical Review Committee Recommendation**

*The Technical Review Committee met and found that the proposal is not in compliance with standards outlined in the Growth Management Plan adopted by the Board of County Commissioners on February 4, 2002. The Technical Review Committee recommended to the County Planning Board that this request be denied as inconsistent with existing land use patterns in the area. The Technical Review Committee felt this development is too dense for the community and expressed extreme concern for the safety of Old NC Hwy 13. This plan is proposing 61 new driveway entrances within ½ mile.*

**Examples of some Growth Management Policies that the Technical Review Committee found supporting this recommendation are:**

*Policy 6.13 Conventional Residential Subdivisions are anticipated of similar housing characteristics to the community.*

*Policy 6.16 The County should preserve scenic views and elements of the*

*county's rural character by minimizing perceived density by minimizing views of new development from existing roads through use of natural buffers and open space.*

***Policy 6.22 New driveway connections should be designed in a way to minimize new locations on existing public roads.***

**Ben Morgan**, Attorney representing Joe Agee, was present and explained that Selma Trogon Ward is the property owner. Morgan complimented the County staff for their work on the Development Impact Analysis on this site. Morgan said that this subdivision provides for a variety of lots ranging from 1 acre to 9 acres in size. Morgan said the applicant feels this proposal would be beneficial to the community and in harmony with neighboring properties. Morgan said this subdivision would be similar to Michfield Acres Subdivision that is located south of this property. Morgan referred to the Growth Management Plan and said they feel the following policies support this request:

Policy 6.12 Factors to be considered in major subdivision approval in Primary and Secondary Growth Areas should include suitability of soils, access to major thoroughfares, the potential availability of public services and facilities and community compatibility.

Policy 6.13 Conventional residential subdivisions are anticipated of similar housing characteristics to the community.

Policy 6.14 Residential subdivisions should, in order to promote efficiencies in the delivery of urban services, be encouraged to develop in a fashion which minimizes "leap frog" development (i.e. leaving large vacant areas between developments).

Johnson said that the size and housing characteristics are similar to the community. Johnson said that the concern the Technical Review Committee has is the number of driveway connections that this development would create in such a short distance along the existing road. **Morgan** said there is approximately 100 ft. of road frontage for each lot. Morgan said that the surveyor provided this to NCDOT and they have indicated they will sign off on this plan if the County approves the development. **Johnson** said that his understanding from DOT is they would not approve this many new driveway connections along an existing

state road. **Joe Agee** said that King called Ruffin today and if the County approves the development, they will not deny the development. Agee said if the DOT is telling the County something different, he is not aware of this. **Morgan** said the plan will still be subject to DOT approval. **Johnson** asked if Agee had given any consideration on any other plan to reduce the number of drive connections. **Morgan** said they have considered shared driveways, but they are concerned about the problems that could arise from lenders with construction loans and possible conditions of the shared use. **Pugh** asked Morgan if reconfiguration would drive up the cost of the lots; **Morgan** answered yes. Morgan said you will still receive the same amount of traffic along the road even if the driveways are reduced. **Ridge** asked if it was not possible to build a street into the property. **Morgan** said that if a road was required it would make the development impossible. **Ridge** asked what the lots will be sold for. **Agee** said the lots would be in excess of \$20,000 each. Agee said to put in a road would increase the number of lots to 100 lots. **Ridge** said that it would be possible to create 200 ft. lots along the existing road and place a new road to develop the remainder of the property. Ridge said he would be opposed to the plan as presented. **Morgan** called this a superb product and **Ridge** said he didn't feel it was a superb product to use only existing road frontage in a development. **Brown** agreed with Ridge. **Rains** said there are developments that are more environmentally friendly. Rains said that he felt that the property would be a prime site for a conservation development or a green design. **Morgan** said that they felt this development was more of a cluster development and it provides protection to the open area. Morgan said they feel this is type of development is encouraged by the Growth Management Plan.

**Joe Agee** said as a realtor his agency is bombarded by request for a subdivision with smaller lots. Agee said that the restrictions they have created allow for affordable housing. Agee said that the property owner wants to develop the property right. Agee said this is her home place and her sister owned the property and willed it to her. Agee said Ms. Ward originally owned the property Michfield Acres was developed on.

**Richard Kearns**, 4511 Happy Hollow Road, said that he owns chicken houses on the backside of this property. Kearns said this is a country road and if it was spaced out and not so many homes in one area it would be alright. Kearns said DOT had to reduce the speed along this road to 35 mph after Michfield Acres was developed. Kearns said it's like being in the country and then you're in the city. Kearns asked the Board not to approve this many lots.

**Dee Bulla**, Asheboro, wanted to know what creek runs through this site. The

Board answered Back Creek.

**Pell** asked where the remaining 200+ acres is located and **Agee** said it is north of the area being considered. Pell questioned what the future plans might be for that additional acreage.

**Brown** said he could appreciate the need for 1 acre lots but unfortunately this is not a good site.

**Pugh** said that the Board could table the request to allow the time for the applicant to consider the concerns that have been raised by the Board. Pugh said that the Commissioners would like to see these situations addressed before the Planning Board prior to sending a negative recommendation to the Commissioners if at all possible. **Brown** said he would agree if the plan would drastically change. **Ridge** said that he didn't see how the Board could approve something with this many driveway connections on an existing road. Ridge said his recommendation would be at least a minimum of 200 ft. lot frontages. Ridge said that the only cost that this developer will incur if this plan is approved is surveying fees. Ridge said that most developers always have some cost in building roads.

**Craven** said that he is also concerned with the remaining 200+ acres that will also be considered in the future. **Pell** agreed. **Craven** said he also has a deep concern for the traffic problems this will create.

**Brown** said this property could be developed but it will take some work.

Morgan said his client wishes to send this plan as proposed to the Commissioners for their consideration.

**Rains** made the motion, seconded by **Brown**, to recommend to the Commissioners that this request be denied due to safety concerns the number of proposed driveway connections would create. The motion passed unanimously.

6. **JAMES SMITH**, Greensboro, North Carolina, is requesting 14.2 acres located at 6788 Willard Road, Liberty Township, be rezoned from HI-CU to HI-CD. Primary Growth

Area. Rocky River Watershed. Tax ID# 8725675147. The proposed Conditional Zoning District would be to amend existing conditions to allow flexibility in operating hours based on event schedule.

**Johnson** said the Commissioners considered this request at Public Hearing on July 9, 2007, and tabled a decision on the request until such time that Mr. Smith had brought his property into compliance with the existing Conditional Use zoning. Johnson said the Commissioners also requested that the Planning Board provide more specific recommendations as to what the Board would consider as “unforeseen circumstances” in allowing the race to run past 11:00 pm.

Johnson said the staff has visited the site and Smith has re-planted his buffers, repaired some fencing, and garbage has been picked-up. Johnson said Smith is in compliance with his Conditional Use Permit. Johnson said that he is now asking to be allowed to run past 11:00 p.m. due to an unforeseen circumstance. Johnson said the Commissioners have asked for a more specific definition of an “unforeseen circumstance”. Johnson said that Smith is fully aware that the Commissioners will not provide a “blank check”. Smith is asking for four situations to be considered:

- \*\*weather delay
- \*\*wrecks or accidents
- \*\*power outages
- \*\*electronic and computer failures

Johnson said the Commissioners have tabled their decisions until the Planning Board provided a specific definition of an unforeseen circumstance.

**Ridge** said that three of these conditions are out of his control, but one (electronic or computer failures) is within his control. Ridge said that electronic or computer failures would be how well he takes care of his equipment.

**Rains** asked how long past 11 pm will he be allowed to race. **Smith** said that the latest he has been at the race track is 12:21 a.m. **Pugh** explained to Smith that the Board is asking him to determine the absolute latest time racing would end. **Smith** said that he will stop no later than 1:00 a.m. on these 7 nights.



**Rains** agreed with Ridge and said that electronic or computer failures are within Smith's control and should not be considered an unforeseen circumstance.

**Rains** made the motion to define an "unforeseen circumstance" in the case as a power outage, racing delayed due to weather, and a wreck or accident at the track. Rains added that no "unforeseen circumstance should allow racing to continue past 1:00 a.m. **Pell** seconded this motion and the motion passed unanimously. With these clarifications the specific conditions recommended by the Planning Board for amendment to the existing Conditional Zoning are as follows:

- a. unforeseen circumstances shall be the following: power outages, racing delay as a result of weather, and accidents or wrecks at the track
- b. time extensions past 11:00 p.m. can be granted for not more than 7 racing events during a calendar year
- c. no race operating past 11:00 p.m. shall continue past 1:00 a.m.
- d. documentation shall be provided to the County Planning Director of any event where the above referenced circumstances required that the race operate past normal cut-off hours of 11:00 p.m.

7. The meeting adjourned at 7:49 p.m. There were 14 people present for this meeting.

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**NORTH CAROLINA  
RANDOLPH COUNTY**

*HAL JOHNSON*

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**Planning Director**

*JILL WOOD*

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**Date**

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**Clerk/Secretary**